

REMARKS

INTRODUCTION

In accordance with the foregoing, claims 1, 3-4, 24 and 25 have been amended and claim 2 has been canceled, without prejudice or disclaimer.

No new matter has been presented and reconsideration of the allowability of the claims is respectfully requested.

Claims 1 and 3-25 are pending and under consideration.

OBJECTION TO CLAIMS 24 AND 25

In accordance with the helpful comments in the Office Action, claims 24 and 25 have been amended to have the proper antecedent recitations.

Accordingly, withdrawal of this objection is respectfully requested.

REJECTION UNDER 35 USC 103

Claims 1, 6-14, 18-19 and 21-23 stand rejected under 35 USC 103 as being obvious over Kuriuzawa et al., U.S. Patent No. 6,385,144, in view of Maeda, U.S. Patent No. 6,028,828. This rejection is respectfully traversed.

First, it is noted that a number of claims have been rejected under a combination of Kuriuzawa et al. and Maeda where the Office Action cites the proffered combination of the two, used to reject a base claim, as support for further rejecting dependent claims, merely by citing portions of Maeda.

However, the Office Action has set forth only the rejection rationale for the base claims, that it would have been obvious to modify Kuriuzawa et al., to have the deficient claimed features, based on a teaching of Maeda.

Any further rejections of the remaining claims, based on such a modification of Kuriuzawa et al., must again set forth the required prima facie obviousness case of why it would have been obvious to modify the already modified Kuriuzawa et al. As will be explained below, the two references are quite different, and the mere modification of Kuriuzawa et al. to include one particular feature of Maeda does not support that rationale that each and every other feature disclosed in Maeda is also inherently brought along with that modification.

See the rejections of claims 6, 7, 9, 10, 12, 13, 18, 21, 22 and 23 as examples.

Regardless of the whether the proffered features are disclosed in Maeda, it is respectfully submitted that a prima facie obviousness case has not been made in these rejections merely by a reference that such features are disclosed in Maeda.

Regarding the combination of Kuriuzawa et al. and Maeda, from which all rejections are based, it is respectfully submitted that it would not have been obvious to modify Kuriuzawa et al. as proffered in the Office Action.

Kuriuzawa et al. would appear to disclose a particular data recording organization for media, which as mentioned in col. 5, lines 54-60, could be applied to a multiple of different optical media, including "DVD or the like" when the guard area is provided. Thus, Kuriuzawa et al. indicates a laundry list of different media, including hard disks, floppies, etc., in which the guard area method of Kuriuzawa et al. could be applied.

As illustrated in FIG. 2 of Kuriuzawa et al., this particular method is based on each zone of information being physically separated by a "guard track." As explained in Kuriuzawa et al., "[g]uard areas prevent interferences with respective tracks of neighboring zones, and are used because track density is higher than it is in the related art." Kuriuzawa et al. in col. 2, lines 57-62.

However, as explained in Kuriuzawa et al. at the beginning of col. 3, there are problems with this guard track method in that "when the difference [between tracks] is large and the target track is set to the area near the guard area, the head is liable to seek the guard area and enter the guard area erroneously." Kuriuzawa et al.

Thereafter, Kuriuzawa et al. sets forth a head drive controller to help control the head from entering the guard area and for recovering if entered.

Thus, Kuriuzawa et al. is primarily directed toward media that have guard areas and provides a method for head control to overcome problems with the head nearing or entering the guard areas. In addition, Kuriuzawa et al. also specifically details that ID and DATA information are not recorded in the guard area. See Kuriuzawa et al. in col. 2, lines 52-56.

In a related field, i.e., recording mechanism, but a different art of types of recording media, Maeda would appear to disclose a different type of recording media without these guard areas. Specifically, Maeda, in col. 3, lines 10-19, would appear to refer to media, that are prevented from using "boundary grooves" of neighboring zones, and which result in a reduction

in disc capacity, i.e., media with these boundary grooves are not preferred because of their required use of boundary grooves. Maeda would appear to thereafter disclose a method allowing for the use of these boundary grooves, by using a wobbling frequency independent to each zone. See Maeda in col. 3, lines 57-59.

Thus, while Kuriuzawa et al. is solely directed toward improving media that use a boundary guard area, Maeda is primarily directed in the totally opposite direction toward finding a way to not need that boundary guard area.

As discussed in the MPEP, when a primary reference is primarily directed in one direction, or primarily focused on X, it would not have been obvious to modify that primary reference to completely change the focus or character of the same. Here, if Maeda were imposed onto Kuriuzawa et al., there would be no need for any of the invention of Kuriuzawa et al., thereby making the invention of Kuriuzawa et al. worthless.

Thus, for at least this reason, one skilled in the art would not have modified Kuriuzawa et al. to incorporate the proffered teaching from Maeda.

In addition, regarding the proffered rejection rationale in the Office Action, it is respectfully submitted that it would not have been obvious to modify Kuriuzawa et al. to incorporate the deficient claimed features based on Maeda.

First, it is noted that the Office Action has set forth this obviousness rejection almost as an Official Notice statement, but thereafter bases the rejection on modifying Kuriuzawa et al. in view of particular disclosures in Maeda. Thus, this response has interpreted this rejection as solely being an obviousness rejection based on a combination of Kuriuzawa et al. and Maeda.

The Office Action sets forth that Maeda discloses "having a disk divided into a plurality of zones forming track grooves formed in a radial direction of the disc wherein the track grooves are formatted into a waved pattern in the radial direction of the disc, overlapped over recorded user data, to record zone address information for each of the divided zones based on a predetermined modulation rule....Therefore it would have been obvious...to format the track grooves into a waved pattern in the radial direction of the disc, in order to prevent cross-talk between zones at the boundaries as suggested by Maeda."

However, as noted above, and as specifically pointed out by Maeda, discs which use a boundary groove do not suffer from cross-talk. Thus, as Kuriuzawa et al. uses a boundary area between zones, this proffered motivation is not relevant to modifying Kuriuzawa et al.

Thus, there would not have been motivation to modify Kuriuzawa et al. to include the "waved pattern" of Maeda.

Lastly, it is further submitted that neither Kuriuzawa et al. nor Maeda disclose the claimed recording capacity being added by an arbitrary recording capacity and an arbitrary area, as claimed in independent claim 1. As neither reference discloses these features, it is further respectfully submitted that it would not have been obvious to modify either reference to disclose the same.

Therefore, for at least the above, it is respectfully requested that this rejection of claims 1, 6-14, 18-19 and 21-23 be withdrawn and claims 1, 6-14, 18-19 and 21-23 be allowed.

Claims 3-5, 15-17, 20 and 24-25 stand rejected under 35 USC 103 as being obvious over Kuriuzawa et al., as modified by Maeda in the underlying base rejections, in further view of Fukushima et al., U.S. Patent No. 5,138,599. This rejection is respectfully traversed.

At least based on their dependency from allowable base claims, and the deficiency of Fukushima et al. of disclosing the same, either in combination with Kuriuzawa et al. or Maeda, or alone, it is respectfully submitted that these claims 3-5, 15-17, 20 and 24-25 are in proper condition for allowance.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

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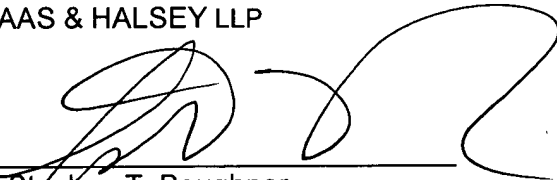
Respectfully submitted,

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